

RESPONSE UNDER 37 C.F.R. §1.116
U.S. Application No. 09/399,696
Attorney Docket No. A8010 / ST9-99-93

REMARKS

I. Introduction

Pending claims 1-24 have been examined and are rejected. Applicants thank the Examiner for withdrawing the rejection of claims 1, 7 and 13 under 35 U.S.C. § 112, first paragraph. The Examiner, however, maintains the rejections of claims 1-21, including recently added claims 22-24, under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,272,488 to Chang et al. (hereinafter “Chang”).

Applicants respectfully request reconsideration and withdrawal of this grounds of rejection for at least the following reasons.

II. Claim Rejections -- 35 U.S.C. § 102(e)

A. Claims 1, 7 and 13

Claims 1, 7 and 13, which are all the independent claims pending in the application, recite features that are neither disclosed nor suggested by Chang. Because a reference must disclose each and every feature to anticipated a claim, claims 1, 7 and 13 are not anticipated by Chang.

For example, claim 1 recites, *inter alia*, “selecting a server to process the request based on a load of the server and based on whether the server can satisfy the request for data . . .”. The Examiner alleges Chang discloses these features of claim 1 (*citing* Chang: Fig. 5).

To the contrary, in Chang, when a user wants to submit a query, he/she starts by creating a specific datastore object 9 to give him/her access to the query processing functions provided by

that datastore 9 (Chang: col. 8, lines 40-44). Then, the user calls the “evaluate” method on the datastore 9 and supplies a query string and other parameters (or a query object 13) to process the query, wherein the result of the query is a queryable collection object 5 that can evaluate further queries (Chang: col. 8, lines 45-52).

Fig. 5 of Chang illustrates, as another way to process a query, creating a query object specific to the type of query language (Chang: col. 8, line 66 to col. 9, line 9). According to Chang, query objects 13 are created using the createQuery() method 40 in the datastore 9 so that the created query object 14-19 will have all the necessary information and can always get help from the datastore 9 in processing the query (Chang: col. 9, lines 1-9).

In no way does Chang disclose “selecting a server to process the request [for data at a federated data source] based on a load of the server”, as recited in claim 1. Instead, the Examiner incorrectly equates the user-definable scope of a query with the load of a server. In Chang, the scope of a query can be limited, for example, by providing a queryable collection 5 as an input parameter to the execute method 41 (Chang: col. 9, lines 6-9; and Fig. 5). The scope of a particular query, however, does not correspond to the overall load of a server. Indeed, a server may be processing many queries, each with varying scopes. Consequently, Chang does not disclose selecting a server based on the load of the server.

In view of the above, claim 1 is not anticipated by Chang. Claims 7 and 13 recite features similar to claim 1 and thus are not anticipated by Chang based on a rationale analogous to that set forth above for claim 1.

RESPONSE UNDER 37 C.F.R. §1.116
U.S. Application No. 09/399,696
Attorney Docket No. A8010 / ST9-99-93

Consequently, claims 2-6, 8-12 and 14-24 are not anticipated by Chang at least by virtue of their dependency.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Billy Carter Raulerson
Registration No. 52,156

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 3, 2004



PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No. A8010

Kehsing J. CHOU, et al.

Appln. No. 09/399,696

Group Art Unit: 2172

Confirmation No. 2558

Examiner: Hung Q. PHAM

Filed: September 21, 1999

For: THE ARCHITECTURE AND IMPLEMENTATION OF A DYNAMIC RMI SERVER
CONFIGURATION HIERARCHY TO SUPPORT FEDERATED SEARCH AND
UPDATE ACROSS HETEROGENEOUS DATASTORES

STATEMENT OF SUBSTANCE OF TELEPHONE INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

JUN 07 2004

Technology Center 2100

Sir:

Please review and enter the following remarks summarizing the telephone interview
conducted on May 25, 2004:

REMARKS

An Examiner's Interview Summary Record (PTO-413) is yet to be received for the
above-identified interview.

During the interview, the following was discussed:

1. Brief description of exhibits or demonstration: None
2. Identification of claims discussed: Independent claims 1, 7 and 13 were discussed
(with claim 1 being used as an exemplary claim) and dependent claims 19-21 were discussed
(with claim 19 being used as an exemplary claim).
3. Identification of art discussed: U.S. Patent No. 6,272,488 to Chang et al.

STATEMENT OF SUBSTANCE OF INTERVIEW

U.S. Application No. 09/399,696

Attorney Docket No. A8010 / ST9-99-93

4. Identification of principal proposed amendments: None
5. Brief Identification of principal arguments: Discussed that limiting the scope of a query (as described in Chang) is different from "selecting a server to process the request based on a load of the server...", as recited in the claims.
6. Indication of other pertinent matters discussed: None
7. Results of Interview: Examiner agreed to reconsider his application of Chang upon Applicants filing of a formal response.

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicants hereby petition for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



Billy Carter Raulerson
Registration No. 52,156

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: June 3, 2004